

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert Frederick et al.
Application No. : 10/766,697
Filed : January 27, 2004
For : PROVIDING A MARKETPLACE FOR WEB SERVICES

Examiner : Amee A. Shah
Art Unit : 3625
Docket No. : 120137.481
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Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131 OF
ROBERT FREDERICK, ASHISH AGRAWAL, AND JEFFREY BARR

Sir:

We, Robert Frederick, Ashish Agrawal, and Jeffrey Barr, hereby declare that:

1. We are inventors of the subject matter disclosed and claimed in the above-referenced patent application.

2. We have reviewed the Office Action dated December 6, 2006 in the subject application. The Office Action rejected claims 16, 21, 24, 28, 85, 86, and 88-93 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2005/0125389 to Hazzard et al. (hereinafter "Hazzard"), which was filed on December 9, 2003 and published on June 9, 2005.

3. Prior to the December 9, 2003 filing date of Hazzard, and while in the United States, we conceived of the method of claim 16 comprising:

in response to registration requests from providers of Web services, registering Web services so as to make access to those Web services available for purchase by unrelated consumers of Web services, the registered Web services each having at least one associated use price;

providing information about the available registered Web services to consumers of Web services;

in response to each of multiple access requests from the consumers, performing a sale to a consumer for access to an indicated one of the registered Web services in exchange for an

access fee from the consumer that is based on a use price associated with the indicated Web service;

after each of at least some sales to a consumer for access to a registered Web service, providing to the consumer access to the registered Web service by invoking that Web service from the provider of the Web service on behalf of the consumer and by providing response information from the invoking to the consumer; and

providing payment for each of the registered Web services to the provider of that Web service based on the access fees paid by the consumers for access to that Web service.

4. Prior to the December 9, 2003 filing date of Hazzard, and while in the United States, we conceived of the computer-readable medium of claim 85 comprising:

providing information to consumers about Web services available from third-party providers;

after each of multiple access requests that are each from a consumer for access to an indicated one of the available Web services, providing access to the indicated Web service to the consumer for an access fee based on a use price associated with the indicated Web service, the providing of the access including invoking the indicated Web service from the provider of the Web service for the consumer; and

providing payment to the providers of the invoked Web services based on the use prices associated with those Web services.

5. Prior to the December 9, 2003 filing date of Hazzard, and while in the United States, we conceived of the computing device of claim 91 comprising:

one or more storage devices configured to store information about Web services registered by third-party providers so as to make access to those Web services available for purchase by third-party consumers of Web services, the stored information including at least one associated use price and one or more use conditions for each of the registered Web services; and

one or more memories configured with executable instructions to repeatedly sell to consumers access to indicated registered Web services in exchange for access fees based on the use prices associated with the indicated Web services if the access satisfies the use conditions for the indicated Web services, to repeatedly provide to the consumers the sold access to the registered Web services by invoking those Web services from the providers of the Web services on behalf of the consumers, and to provide payment to the providers of the registered Web services based on the access sold to the consumers for those Web services.

6. Exhibit A attached hereto is a redacted copy of a functional specification prepared in the United States by us and others prior to the December 9, 2003 filing date of Hazzard. Other information, not needed to prove conception, has been removed from the copy of the document submitted herewith. The application number and an exhibit label have been added to the document for identification purposes. In addition, for convenience in referring to specific locations within the document, page numbers and line numbers have also been added.

7. Exhibit A shows the conception of the method of claim 16. The step of “in response to registration requests from providers of Web services, registering Web services so

as to make access to those Web services available for purchase by unrelated consumers of Web services, the registered Web services each having at least one associated use price” is illustrated at least at: page 7, lines 11-23; page 3, lines 30-31 and 51-54; page 4, lines 18-28; page 12, lines 29-33; and page 13, lines 4-25. Note that the “3PW” (or third-party Websites) referred to in the document are one example of consumers of Web services discussed in the patent application, and that the “3PSP” (or third-party service providers) referred to in the document are one example of providers of Web services discussed in the patent application. The step of “providing information about the available registered Web services to consumers of Web services” is illustrated at least at: page 8, lines 1-7; page 7, lines 27-28; page 4, lines 38-47 and page 12, lines 10-13. The step of “in response to each of multiple access requests from the consumers, performing a sale to a consumer for access to an indicated one of the registered Web services in exchange for an access fee from the consumer that is based on a use price associated with the indicated Web service” is illustrated at least at: page 8, lines 1-3 and lines 8-10; page 7, lines 27-28; page 30, lines 39-52; and page 33, lines 1-30. The step of “after each of at least some sales to a consumer for access to a registered Web service, providing to the consumer access to the registered Web service by invoking that Web service from the provider of the Web service on behalf of the consumer and by providing response information from the invoking to the consumer” is illustrated at least at: page 9, lines 1-10 and lines 17-20; page 10, lines 1-9; page 8, lines 11-13. The step of “providing payment for each of the registered Web services to the provider of that Web service based on the access fees paid by the consumers for access to that Web service” is illustrated at least at: page 13, lines 25-26; and page 4, lines 33-35. Thus, Exhibit A shows the conception of the elements of claim 16 prior to the December 9, 2003 filing date of Hazzard.

8. Exhibit A shows the conception of the computer-readable medium of claim 85. The step of “providing information to consumers about Web services available from third-party providers” is illustrated at least at: page 8, lines 1-7; page 7, lines 27-28; page 4, lines 38-47 and page 12, lines 10-13. The step of “after each of multiple access requests that are each from a consumer for access to an indicated one of the available Web services, providing access to the indicated Web service to the consumer for an access fee based on a use price associated with the indicated Web service, the providing of the access including invoking the indicated Web

service from the provider of the Web service for the consumer” is illustrated at least at: page 9, lines 1-10; page 10, lines 1-9; page 8, lines 1-3 and 8-13; page 7, lines 27-28; page 30, lines 39-52; and page 33, lines 1-30. The step of “providing payment to the providers of the invoked Web services based on the use prices associated with those Web services” is illustrated at least at: page 13, lines 25-26; and page 4, lines 33-35. Thus, Exhibit A shows the conception of the elements of claim 85 prior to the December 9, 2003 filing date of Hazzard.

9. Exhibit A shows the conception of the computing device of claim 91. The “one or more storage devices configured to store information about Web services registered by third-party providers so as to make access to those Web services available for purchase by third-party consumers of Web services, the stored information including at least one associated use price and one or more use conditions for each of the registered Web services” are illustrated at least at: page 7, lines 11-23; page 8, lines 1-7; page 3, lines 30-31 and 51-54; page 4, lines 18-28; page 12, lines 29-33; and page 13, lines 4-25. The “one or more memories configured with executable instructions to repeatedly sell to consumers access to indicated registered Web services in exchange for access fees based on the use prices associated with the indicated Web services if the access satisfies the use conditions for the indicated Web services, to repeatedly provide to the consumers the sold access to the registered Web services by invoking those Web services from the providers of the Web services on behalf of the consumers, and to provide payment to the providers of the registered Web services based on the access sold to the consumers for those Web services” are illustrated at least at: page 8, lines 1-3 and lines 8-13; page 7, lines 27-28; page 9, lines 1-10; page 10, lines 1-9; page 30, lines 39-52; page 31, lines 45-52; page 32, lines 1-9; page 33, lines 1-30; page 13, lines 25-26; and page 4, lines 33-35. Thus, Exhibit A shows the conception of the elements of claim 91 prior to the December 9, 2003 filing date of Hazzard.

10. We diligently pursued the development of the claimed invention on a regular basis from the conception date, prior to the December 9, 2003 filing date of Hazzard, until a constructive reduction to practice, which occurred when this application was filed on January 27, 2004.

11. The date of Exhibit A is within 6 months of the December 9, 2003 filing date of Hazzard, and the January 27, 2004 filing date of this application. Exhibit A establishes

that we diligently pursued the invention prior to December 9, 2003, until a constructive reduction to practice occurred when this application was filed on January 27, 2004.

12. In summary, upon review of our records, of which Exhibit A is representative, we readily conclude that prior to December 9, 2003 (the effective date of the Hazzard published application), we had conceived of the presently claimed invention, and that we diligently pursued the development of the claimed invention from before December 9, 2003 through January 27, 2004.

13. We hereby declare that all statements made herein of our own knowledge are true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued therefrom.

May 15, 2007
Date

Robert Frederick
Robert Frederick

MAY 11, 2007
Date

Ashish Agrawal
Ashish Agrawal

MAY 20, 2007
Date

Jeffrey Baur
Jeffrey Baur

Attachments:

Exhibit A (Web Services Marketplace v1 Functional Specification)